REMARKS

Claims 16 has been rejected under 35 U.S.C. § 112, first paragraph.

The Examiner's rejection is respectfully traversed. The applicants' invention includes a number of features, which can be mixed and matched in multiple variations as described and claimed in the application. The feature in claim 16, relates to the use of multiple pulley shafts for supporting the webbing. Two such shafts in one configuration are shown in Fig. 3 as features 121b and 121c and alternatively in another configuration are shown as features 221a and 221b as indicated in Fig. 7. Thus, the applicants believe that the rejection to claim 16 should be obviated.

Claims 18, 2, 3, 6 and 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Huber, U.S. Patent No. 3,099,055 in view of Laurisin, U.S. Patent No. 2,079,457. Additionally, claims 8-11 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Huber '055 in view of Laurisin '457 as applied to claim 7 above, and further in view of Arnold, U.S. Patent No. 2,852,827.

The Examiner's rejections are respectfully traversed.

The applicants' invention is directed to a webbing tie down assembly, which includes an inner and outer frame. The inner and outer frame are arranged to support webbing therein and include a clamping mechanism. The clamping mechanism comprises a first clamping member supported by the inner frame and having a first clamping surface. A second clamping member is supported by the outer frame and has a second clamping surface. The inner frame is mounted with respect to the outer frame for movement between a first position in which the first and second clamping surfaces are substantially together for clamping webbing therebetween; and a second position in which the clamping surfaces are apart for allowing

webbing to slide therethrough. Also included is tensioning mechanism for disengaging the first and second clamping surfaces when the inner frame and outer frame are in the first position to permit the webbing to slide therebetween to relieve the tensioning of the webbing. One of the first or second clamping members comprises a shaft and the clamping surface of the other clamping member includes a complimentary curvature so that the clamping surfaces of the first and second clamping members lie substantially parallel in the first position so that a clamping force on the webbing is distributed over a relatively large surface area of the webbing.

Huber '055 is directed to a webbing clamping and tensioning device for use in restraining a cargo or other load. However, it neither discloses nor suggests clamping surfaces of complimentary curvature, nor one clamping surface comprising a shaft and the other clamping surface having a complimentary curvature such that the clamping surfaces lie substantially parallel in the clamped position in order to distribute the clamping force of a relatively large surface area of the webbing.

The apparatus of the present invention enables webbing ties to be attached to fittings on a load or cargo, e.g. a helicopter, and a load bearing surface, e.g. the deck of a ship, to initially fasten the load in place on the deck. Thereafter, the webbing ties may be drawn taught i.e., tensioned, to better secure the helicopter to the deck of the ship. Since the deck of the ship is constantly swaying, it is necessary to draw the webbing ties very taught in order to permanently secure the helicopter to the deck. However, in order to attach or release the webbing ties, it is necessary for the webbing ties to be slackened. The prior art arrangements have a problem with the tensioning process. Specifically, where the clamping force being removed from the webbing in the fastened position so that it can be drawn between the clamps, can wear and tear the webbing due to the surface configuration of the clamps. In addition, due

addition, due to the movement of the cargo, wear can occur to the webbing between the clamps if the clamping force is concentrated on a small area of the webbing.

However, the use of clamping surfaces of a complementary curvature, ensures that the clamping force on the webbing is distributed over a relatively large surface area of the webbing and that during tensioning, the webbing slides through the curved path between the clamping surfaces, thereby preventing it from catching or tearing. Such a problem would arise in the arrangement shown in Huber '055, as it would be subjected to frictional wear around the ends of the upper clamping member in between the two clamping surfaces, especially during movement between the positions shown in Figures 2 and 5 of Huber '055.

On the other hand, Laurisin '457 is directed to a very different technical field, in particular, the disclosure relates to attaching an inflatable rubber bag to the arm of a person for taking a blood pressure reading. There is no reason why one skilled in the art would look to this art for the solution to the problem of wear of webbing associated with a considerably larger device for use with considerably thicker and wider webbing, (e.g. polyester webbing having a breaking force in excess of 15,000lbs as described on page 12 of the application as filed), when wishing to improve the webbing clamping and tensioning device for retaining cargo as described in Huber '055. Additionally, while Laurinsin '457 discloses clamping surfaces of complementary curvature, it is submitted that the bar 12 cannot be regarded as a shaft since it has a "a flat lower surface" (see page 1, lines 46-47), in contrast to the cylindrical configuration of the shaft in the preferred embodiment of the present invention. Even if the bar 12 could be regarded as a shaft, Laurisin '457 fails to recognize the advantage of using a clamping arrangement for distribution of the clamping force across a large surface area of webbing in order to prevent wear and tear of the webbing. Laurisin '457 does not

describe the wear and tear as associated primarily with tensioning while load bearing. Laurisin '457 is primarily concerned with a dual clamping arrangement for the free end 24 of the casing.

The determination that the novel combination would be obvious, requires support and teaching in the prior art, and a retrospective view of inherency cannot serve as a substitute for an actual teaching or suggestion in the prior art, which supports the selection and use of various elements and the particular claim combination. *In re Newal*, 13 USPQ2d 1248 (CAFC 12,12, 1989). It is impermissible within the framework of '103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggest to one of ordinary skill in the art. Bausch & Lomb, Inc. v. Barnes-Hind, In., 796 F.2d 443, 230 USPQ 416 (Fed. Cir. 1986).

As independent claim 18 is patently distinguishable from the prior art references, the remaining claims dependent therefrom are also patently distinguishable.

The Examiner has indicated that the subject matter of claim 12 is patentable.

Also, in view of the foregoing, it is believed that the amended claims and the claims dependent there from are in proper form. The Applicants respectfully contend that the teachings of Huber '055 in view of Laurinsin '457 and further in view of Arnold '827 do not establish a *prima facie* case of obviousness under the provisions of 35 U.S.C. §103(a). Thus, claims 2, 3 and 6-18 are considered to be patently distinguishable over the prior art of record.

The application is now considered to be in condition for allowance, and an early indication of same is earnestly solicited.

Respectfully submitted,

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